

APPLICATION NO. 09/847,717
DOCKET NO. P1032/N7113**REMARKS**

Claims 7, 9-11, 15-24, and 27 and 28 are currently pending in the above-captioned application. Claims 1-6 and 29-34 have been withdrawn as drawn to non-elected inventions in response to restriction requirement and claims 12-14 and 25 and 26 withdrawn from consideration in the Official Action as being directed to non-elected species.

Claims 7-9 and 15-18 stand rejected under 35 U.S.C. §102(b) over Voorhes et al. (U.S. 5,390,734). In addition, claims 7-11, 15-18 and 28 stand rejected under 35 U.S.C. §102(b) over Yao (U.S. 5,769,158). In the case of Voorhes et al., the asserted anticipating reference relates to Figures 13 and 14, with respect to Yao, it is Figure 4. However, Applicants' again assert that neither disclosure anticipates the invention of the rejected claims.

More particularly, the asserted disclosures of Voorhes et al. and Yao each disclose the use of graphite fibers as thermal conductors in a heat sink device. As indicated in rejected claims 7 and 15, however, the graphite materials of the present invention are formed from compressed particles of expanded graphite, and not graphite fibers. The two materials are different, from different sources, and have different characteristics. One skilled in the graphite art would not consider them to be equivalent or interchangeable in any way. Thus, there can be no anticipation of either claim 7 or 15 nor any of the claims depending therefrom.

Thus, the rejections under 35 U.S.C. §102(b) should be withdrawn.

APPLICATION NO. 09/847,717
DOCKET NO. P1032/N7113

Claims 19-24 and 27 stand rejected under 35 U.S.C. §103 under either Voorhes et al. or Yao in view of Jensen (U.S. 2,601,973), or in view of Larson (U.S. 4, 471,837) or Bellar et al. (U.S. 5,270,902) or, Voorhes et al. or Yao in view of Jensen and further in view of Larson or Bellar et al.

However, the simple fact remains that nothing in the cited references suggest the preparation of the assemblies of Voorhes et al. or Yao using compressed particles of expanded graphite. Quite simply, the rejections under 35 U.S.C. §103(a) would require there to be shown the motivation to substitute a completely different material (i.e., compressed particles of exfoliated graphite) for the graphite fibers disclosed and employed in the primary references. Since those references are directed specifically to employing such fibers, there can by definition be no motivation to substitute a completely different material, and the Official Action has not even argued that such a motivation would exist.

Without the suggestion to make the substitution proposed by the rejection, there can be no obviousness of any of the rejected claims. Moreover, nothing in any of the cited references discloses or even remotely suggests the invention of the dependent claims and the way the inventive assembly makes use of the unique properties of flexible graphite sheet material in forming a heat sink apparatus or assembly in order to maximize the alignment of graphene layers in order to maximize heat conduction.

Thus, the rejections under 35 U.S.C. §103(a) should also be withdrawn.

APPLICATION NO. 00/847,717
DOCKET NO. P1032/N7113CONCLUSION

Based on the foregoing amendments and remarks it is believed that all pending claims 7, 9-11, 15-24, 27 and 28 as well as non-elected species claims 12-14, 25 and 26 are in condition for allowance. Such action is earnestly sought. If there remains any matter which prevents the allowance of any of these claims, the Examiner is requested to call the undersigned, collect, at 615-242-2400 to arrange for an interview which may further expedite prosecution.

Pursuant to 37 C.F.R. § 1.136(a), Applicant petitions the Commissioner to extend the time for responding to the October 20, 2003, Office Action for 1 month from January 20, 2004, to February 20, 2004. Applicant authorizes the Commission to charge the fee of \$110, as well as any other fee which may be due, to Deposit Account 50-1202.

Respectfully submitted,



James R. Cartiglia
Registration No. 30,738
WADDEY & PATTERSON
A Professional Corporation
Customer No. 23456

ATTORNEY FOR APPLICANT

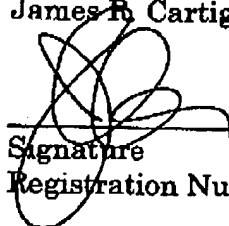
Waddey & Patterson
414 Union Street, Suite 2020
Bank of America Plaza
Nashville, TN 37219
(615) 242-2400

APPLICATION NO. 09/847,717
DOCKET NO. P1032/N7113

CERTIFICATE OF FACSIMILE TRANSMITTAL

I hereby certify that this Response To Official Action (9 pages) is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. 703-872-9306.

James R. Cartiglia



Signature

Registration Number 30,738

2.20.04

Date